

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES LUEDTKE,

Petitioner,

v.

R.D. KEYES,

Respondent.

ORDER

22-cv-589-jdp

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James Luedtke, a prisoner at FCI-Oxford, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241, asserting that he was entitled to relief from his felon-in-possession conviction under *Rehaif v. United States*, 139 S. Ct. 2191 (2019). On February 10, 2023, this court entered an order denying his motion to proceed *in forma pauperis*, finding that Luedtke was able to pay the \$5 filing fee notwithstanding his claims that the warden had put a freeze on his prison account. Dkt. 7, at 2; *see also Luedtke v. Keyes et. al*, 22-cv-434-jdp, Dkt. 18 (denying as unnecessary Luedtke's motion for order directing prison officials to "unfreeze" his account).

Luedtke now has filed a motion asking this court to issue an order directing prison officials to remove \$5 from his account. Dkt. 8. Like other motions filed by Luedtke in this court, this motion is rife with derogatory language and accusatory broadsides against prison staff and judicial officers in this court and elsewhere. For example, Luedtke's final paragraph in support of his motion reads:

These Wisconsin scumbag/cockroach devils from hell, Crocker, Peterson, Griesbach (federal judges), the 300 dope fiend fat slob donut hogs government party pigs (bureau of prisons employees at Oxford) are all pure evil with legs. They all violate the law and the constitution massively and deliberately. They all lie, steal and game the system 110 percent 365 days a year. They are all

disgusting inhuman garbage. May God strike each one of them dead today.

Dkt. 8, at 7.

In the '434 case, the magistrate judge sternly warned Luedtke that if he continued to use language of this sort, he would face sanctions, which could include dismissal. Order, Oct. 14, 2022, Dkt. 10, at 3 (“[Luedtke’s] general, ad nauseum attacks on the integrity of the federal prison system, its officials, and the courts have no place in legal motions. If he continues his personal attacks on prison officials and judicial officers, then he faces sanctions that could include dismissal of his case.”). Luedtke did not heed this warning. Although not direct threats, his statements show that he holds this court and prison officials in contempt and wishes them harm. These kinds of statements are wildly inappropriate in legal motions and this court does not tolerate them from any litigant. Accordingly, as a sanction for Luedtke’s misconduct and to deter him from further uncivil conduct in any pending case or in any new case that he might file, I am dismissing this case.

ORDER

IT IS ORDERED that:

1. Petitioner's motion for an order directing prison officials to remove \$5 from his account is DENIED.
2. This case is DISMISSED as a sanction against petitioner James Luedtke.
3. The clerk of court is directed to enter judgment accordingly and close this case.
4. Any remaining motions are DENIED as moot.

Entered April 11, 2023.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge